

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LEE KLEENSANG,

Defendant.

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CASE NO. 8:12CR56

**MEMORANDUM
AND ORDER**

Before the Court are the Findings and Recommendation of Magistrate Judge F.A. Gossett, III (Filing No. 52). Under 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of the record and adopts the Findings and Recommendation in their entirety.

Objections were filed on May 9, 2012, by the Defendant, David Lee Kleensang. Judge Gossett allowed the Defendant 21 days following the mailing of his Findings and Recommendation to file objections. The Findings and Recommendation were filed and mailed on April 12, 2012, and therefore the deadline for filing objections was May 7, 2012. Fed. R. Civ. P. 6(d) (3-day mailing rule). Therefore, the objections were untimely filed and will be overruled.

Judge Gossett concluded that the Defendant's "Notice to Agent is Notice to Principal/Notice to Principal is Notice to Agent," considered as a motion to dismiss with prejudice (Filing No. 36), is frivolous and, for lack of a supporting brief, in violation of NECrimR 12.3(b)(1).

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (Filing No. 52) are adopted in their entirety;
2. The Defendant's Objections (Filing No. 58) are overruled;

3. The Defendant's "Notice to Agent is Notice to Principal/Notice to Principal is Notice to Agent," considered as a motion to dismiss with prejudice (Filing No. 36) is denied, in accordance with the Findings and Recommendation; and
4. The Clerk is directed to mail a copy of this Memorandum and Order to the Defendant at his last known address.

DATED this 22nd day of May, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge